



PATENT

Attorney Docket No. 018880.0120

3738
JRWIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
J. Donald HILL et al.)	Group Art Unit: 3738
)	
Application Number: 09/987,976)	Examiner: Thomas C. BARRETT
)	
Filed: November 16, 2001)	Confirmation No. 7910
)	
For: AUTOMATIC SUTURE FIXATION)	
APPARATUS AND METHOD FOR)	
MINIMALLY INVASIVE CARDIAC)	
SURGERY)	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
MAIL STOP AMENDMENT
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In response to the Office Action (Paper #101804), mailed October 20, 2004, the Notice contends that the Applicants' Responsive Amendment, filed July 19, 2004, presents claim amendments allegedly drawn to a non-elected species. In particular, the Notice alleges that by their reference to **Fig. 5**, Applicants admit that the proposed amendments "read on previously non-elected Species V (**Fig. 5**). The elected species does not have securing means adapted to secure fixing structures therebetween." Notice, Page 2, Lines 6-8. Applicants respectfully disagree and request that the Examiner reconsider the Responsive Amendments in view of the following remarks.

Remarks:

Initially, Applicants note that they proposed amending claims 1, 12, and 19 to clarify the description of the claimed invention. In particular, Applicants proposed amending these claims to state that "said first securing means and said second securing means are adapted to secure fixing sutures therebetween" and noted that support for this amendments was shown in Appl'n, Paras. [0026] and [0027]; **Figs. 5 and 6**. Applicants referred to previously amended **Fig.**